

RESOLUTION NO. 75228**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PUBLIC SERVICE EASEMENT WITHIN A PRIVATE PROPERTY AT 3550 SNELL AVENUE**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

Section 1. Pursuant to Chapter 3 of Part 3 of the Division 9 of the Streets and Highways Code of the State of California, the City Council desires to initiate proceedings to vacate a Public Service Easement within a private property at 3550 Snell Avenue. The Public Service Easement proposed for vacation is more particularly described in Section 6 of this Resolution.

Section 2. Notice is hereby given that the City Council will conduct a public hearing on the proposed vacation at 1:30 p.m., or as soon thereafter as the matter can be heard, on the 26th day of January 2010, in the Council Chambers located at City Hall on 200 East Santa Clara Street, San Jose, California. At the public hearing, all persons interested in, or objecting to, the proposed vacation may appear and be heard. The City Council will consider all evidence presented at the hearing in order to determine whether to vacate the Public Service Easement.

Section 3. On December 4, 2010, the Director of Public Works approved the plat map entitled "Plat Map Showing A Public Service Easement Within A Private Property At 3550 Snell Avenue" (hereinafter "Plat Map"). The Plat Map shows the Public Service Easement proposed for vacation. The City Clerk is directed to file the Plat Map in the Office of the City Clerk and to make it available for examination by any persons desiring to do so.

Section 4. The City Clerk is further directed to cause this Resolution to be published in its entirety for at least two successive weeks prior to the public hearing in a newspaper of general circulation in the City of San Jose.

Section 5. The Director of Public Works is directed to cause notices of the proposed Public Service Easement vacation to be posted as conspicuously along the easement area proposed to be vacated. The notices shall be posted at least two (2) weeks before the date set for the public hearing. Such notices shall be posted not more than 300 feet apart, but at least three (3) notices shall be posted. The notices shall state the passage of this Resolution and the time and place of the public hearing.

Section 6. The Public Service Easement proposed to be vacated is all that real property situated in the City of San Jose described as follows:

THAT CERTAIN PORTION OF THE PUBLIC SERVICE EASEMENT (PSE) AS SAID PSE IS SHOWN ON THAT CERTAIN TRACT MAP ENTITLED "TRACT NO: 6937" FILED FOR RECORD MAY 22, 1981 IN BOOK 485 OF MAPS AT PAGES 4-5, SANTA CLARA COUNTY RECORDS THAT IS SITUATE WITHIN THE BOUNDARY LINES OF LOT C OF AS SAID LOT C IS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD MAY 18, 1984 IN BOOK 529 MAPS AT PAGES 1-2, SANTA CLARA COUNTY RECORDS.

ADOPTED this 15th day of December, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

75228

PLAT MAP

SHOWING A PUBLIC SERVICE EASEMENT WITHIN A
PRIVATE PROPERTY AT 3550 SNELL AVENUE TO BE VACATED



AREA TO BE VACATED

FILED WITH THE CITY COUNCIL OF THE CITY OF SAN JOSE THIS _____ DAY OF
_____, AND APPROVED BY SAID CITY COUNCIL THIS _____ DAY OF
_____ BY RESOLUTION NUMBER _____

CITY CLERK, CITY OF SAN JOSE

Katy Allen
KATY ALLEN
DIRECTOR OF PUBLIC WORKS,
CITY OF SAN JOSE

APPROVED THIS 4th DAY OF December 2009

